

Executive Summary – Enforcement Matter – Case No. 47347
GerdaU Ameristeel US Inc.
RN100226059
Docket No. 2013-1463-AIR-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

AIR

Small Business:

No

Location(s) Where Violation(s) Occurred:

GerdaU Ameristeel Beaumont, 100 Old Highway 90 West, Vidor, Orange County

Type of Operation:

Steel plant

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: December 20, 2013

Comments Received: No

Penalty Information

Total Penalty Assessed: \$12,301

Amount Deferred for Expedited Settlement: \$2,460

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$4,921

Total Due to General Revenue: \$0

Payment Plan: N/A

SEP Conditional Offset: \$4,920

Name of SEP: Southeast Texas Regional Planning Commission

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - Satisfactory

Major Source: Yes

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: September 2011

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: May 28, 2013

Date(s) of NOE(s): July 25, 2013

Executive Summary – Enforcement Matter – Case No. 47347
GerdaU Ameristeel US Inc.
RN100226059
Docket No. 2013-1463-AIR-E

Violation Information

1. Failed to monitor the differential pressure across Baghouse 2A (Emissions Point Number ("EPN") 2A) at least four times per hour for the period of May 31, 2012 through October 18, 2012 [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), New Source Review Permit No. 2448, Special Conditions No. 21B, and Federal Operating Permit ("FOP") No. 01281, Special Terms and Conditions ("STC") No. 9].
2. Failed to submit a deviation report no later than 30 days after the end of the reporting period. Specifically, the deviation report for the August 3, 2012 through February 2, 2013 reporting period was due by March 4, 2013, but was not submitted until May 23, 2013 [30 TEX. ADMIN. CODE §§ 122.143(4) and 122.145(2)(C), TEX. HEALTH & SAFETY CODE § 382.085(b), and FOP No. 01281, General Terms and Conditions ("GTC")].
3. Failed to submit the permit compliance certification ("PCC") no later than 30 days after the end of the certification period. Specifically, the PCC for the February 3, 2012 through February 2, 2013 certification period was due by March 4, 2013, but was not submitted until May 28, 2013 [30 TEX. ADMIN. CODE §§ 122.143(4) and 122.146(2), TEX. HEALTH & SAFETY CODE § 382.085(b), and FOP No. 01281, GTC and STC No. 14].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

Respondent has implemented the following corrective measures:

- a. On October 18, 2012, began monitoring the differential pressure across Baghouse 2A (EPN 2A) at least four times per hour;
- b. On May 23, 2013, submitted the deviation report for the reporting period from August 3, 2012 through February 2, 2013;
- c. On May 28, 2013, submitted the PCC for the certification period from February 3, 2012 through February 2, 2013; and
- d. By July 1, 2013, implemented an environmental compliance calendar to ensure that deviation reports and PCCs are submitted in a timely manner.

Technical Requirements:

The Order will require Respondent to implement and complete a Supplemental Environmental Project ("SEP"). (See SEP Attachment A)

Executive Summary – Enforcement Matter – Case No. 47347
Gerdau Ameristeel US Inc.
RN100226059
Docket No. 2013-1463-AIR-E

Litigation Information

Date Petition(s) Filed: N/A
Date Answer(s) Filed: N/A
SOAH Referral Date: N/A
Hearing Date(s): N/A
Settlement Date: N/A

Contact Information

TCEQ Attorney: N/A
TCEQ Enforcement Coordinator: Rachel Bekowies, Enforcement Division,
Enforcement Team 4, MC 149, (512) 239-2608; Candy Garrett, Enforcement Division,
MC 219, (512) 239-1456
TCEQ SEP Coordinator: Stuart Beckley, SEP Coordinator, Enforcement Division,
MC 219, (512) 239-3565
Respondent: Richard Anawate, Vice President / General Manager, Gerdau Ameristeel
US Inc., P.O. Box 3869, Beaumont, Texas 77704
Respondent's Attorney: N/A

Attachment A
Docket Number: 2013-1463-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	GerdaU Ameristeel US Inc.
Penalty Amount:	Nine Thousand Eight Hundred Forty-One Dollars (\$9,841)
SEP Amount:	Four Thousand Nine Hundred Twenty Dollars (\$4,920)
Type of SEP:	Contribution to a Third-Party Pre-Approved SEP
Third-Party Administrator:	Southeast Texas Regional Planning Commission - West Port Arthur Home Energy Efficiency Program
Location of SEP:	Texas Air Quality Control Region 106 - Southern Louisiana - Southeast Texas

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative penalty amount assessed in this Agreed Order for Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

a. Project

Respondent shall contribute the SEP amount to the Third-Party Administrator named above. The contribution will be to the Southeast Texas Regional Planning Commission to be used for the West Port Arthur Home Energy Efficiency Program as set forth in the agreement between the Third-Party Administrator and the TCEQ. Specifically, the Performing Party shall use SEP funds to assist low-income residents in the West Port Arthur area by: 1) conducting home energy audits; 2) weatherizing homes to improve energy efficiency; and/or 3) repairing or replacing heating/cooling systems and major appliances with new, energy-efficient equipment. Weatherizing homes may include costs of caulking openings as well as insulating walls, floors, and attics in homes. Any heating/cooling systems or major appliances that are replaced must be scrapped and must not be reused in any way. The Performing Party shall use consistent and reliable criteria for determining the low-income status of residents assisted with SEP funds.

Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

b. Environmental Benefit

Implementation of this project will reduce residential fuel and electricity usage for heating and cooling. These reductions, in turn, will reduce emissions of particulate matter, volatile organic carbon compounds, and nitrogen oxides associated with the combustion of fuel and generation of electricity.

c. Minimum Expenditure

Respondent shall contribute at least the SEP amount to the Third-Party Administrator and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, Respondent must contribute the SEP amount to the Third-Party Administrator. Respondent shall mail the contribution, with a copy of the Agreed Order to:

Southeast Texas Regional Planning Commission
Bob Dickinson, Director Transportation and Environmental
Resources
Attention: SEP
2210 Eastex Freeway
Beaumont, Texas 77703

3. Records and Reporting

Concurrent with the payment of the SEP amount, Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP amount to the Third-Party Administrator. Respondent shall mail a copy of the check and transmittal letter to:

Enforcement Division
Attention: SEP Coordinator, MC 219
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP amount.

The check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

Office of Legal Services
Attention: SEP Coordinator, MC 175
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

Respondent shall also mail a copy of the check to the Enforcement Division SEP Coordinator at the address in Section 3 above.

5. Publicity

Any public statements concerning this SEP made by or on behalf of Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

6. Clean Texas Program

Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP identified in this Agreed Order has not been, and shall not be, included as an SEP for Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.



Penalty Calculation Worksheet (PCW)

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

TCEQ

DATES	Assigned	29-Jul-2013	Screening	6-Aug-2013	EPA Due	21-Apr-2014
	PCW	6-Aug-2013				

RESPONDENT/FACILITY INFORMATION

Respondent	Gerdau Ameristeel US Inc.				
Reg. Ent. Ref. No.	RN100226059				
Facility/Site Region	10-Beaumont	Major/Minor Source	Major		

CASE INFORMATION

Enf./Case ID No.	47347	No. of Violations	3
Docket No.	2013-1463-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Rachel Bekowies
		EC's Team	Enforcement Team 4
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$15,000
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History	7.0% Enhancement	Subtotals 2, 3, & 7	\$1,050
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Notes: Enhancement for one NOV with similar violations and one NOV with a dissimilar violation.

Culpability	No	0.0% Enhancement	Subtotal 4	\$0
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Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$3,749
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts \$42
Approx. Cost of Compliance \$2,250
*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$12,301
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount	\$12,301
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$12,301
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DEFERRAL	20.0% Reduction	Adjustment	-\$2,460
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes:

Deferral offered for expedited settlement.

PAYABLE PENALTY	\$9,841
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Screening Date 6-Aug-2013

Docket No. 2013-1463-AIR-E

PCW

Respondent Gerdau Ameristeel US Inc.

Policy Revision 3 (September 2011)

Case ID No. 47347

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN100226059

Media [Statute] Air

Enf. Coordinator Rachel Bekowies

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	1	5%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgements or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%

Please Enter Yes or No

Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 7%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for one NOV with similar violations and one NOV with a dissimilar violation.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 7%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 7%

Screening Date 6-Aug-2013

Docket No. 2013-1463-AIR-E

PCW

Respondent Gerdau Ameristeel US Inc.

Policy Revision 3 (September 2011)

Case ID No. 47347

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN100226059

Media [Statute] Air

Enf. Coordinator Rachel Bekowies

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), Tex. Health & Safety Code § 382.085(b), New Source Review Permit No. 2448, Special Conditions No. 21B, and Federal Operating Permit ("FOP") No. 01281, Special Terms and Conditions ("STC") No. 9

Violation Description

Failed to monitor the differential pressure across Baghouse 2A (Emissions Point Number 2A) at least four times per hour for the period of May 31, 2012 through October 18, 2012.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential		x	

Percent 15.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Human health or the environment will or could be exposed to significant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 2

140 Number of violation days

mark only one
with an x

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$7,500

Two quarterly events are recommended for the period of May 31, 2012 through October 18, 2012.

Good Faith Efforts to Comply

25.0% Reduction

\$1,875

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary	x	
N/A		(mark with x)

Notes

The Respondent completed corrective actions on October 18, 2012, prior to the July 25, 2013 Notice of Enforcement ("NOE").

Violation Subtotal \$5,625

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$38

Violation Final Penalty Total \$6,150

This violation Final Assessed Penalty (adjusted for limits) \$6,150

Economic Benefit Worksheet

Respondent Gerdau Ameristeel US Inc.
Case ID No. 47347
Reg. Ent. Reference No. RN100226059
Media Air
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$2,000	31-May-2012	18-Oct-2012	0.38	\$38	n/a	\$38

Notes for DELAYED costs

Estimated cost to reprogram the system to properly monitor the differential pressure across Baghouse 2A at least four times per hour. The Date Required is the first date of noncompliance. The Final Date is the date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$2,000

TOTAL

\$38

Screening Date 6-Aug-2013

Docket No. 2013-1463-AIR-E

PCW

Respondent Gerdau Ameristeel US Inc.

Policy Revision 3 (September 2011)

Case ID No. 47347

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN100226059

Media [Statute] Air

Enf. Coordinator Rachel Bekowies

Violation Number 2

Rule Cite(s)

30 Tex. Admin. Code §§ 122.143(4) and 122.145(2)(C), Tex. Health & Safety Code § 382.085(b), and FOP No. O1281, General Terms and Conditions ("GTC")

Violation Description

Failed to submit a deviation report no later than 30 days after the end of the reporting period. Specifically, the deviation report for the August 3, 2012 through February 2, 2013 reporting period was due by March 4, 2013, but was not submitted until May 23, 2013.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 15.0%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 1

119 Number of violation days

mark only one
with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$3,750

One single event is recommended.

Good Faith Efforts to Comply

25.0% Reduction

\$937

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary	x	
N/A		(mark with x)

Notes

The Respondent completed corrective actions by July 1, 2013, prior to the July 25, 2013 NOE.

Violation Subtotal \$2,813

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$4

Violation Final Penalty Total \$3,076

This violation Final Assessed Penalty (adjusted for limits) \$3,076

Economic Benefit Worksheet

Respondent Gerdau Ameristeel US Inc.
Case ID No. 47347
Reg. Ent. Reference No. RN100226059
Media Air
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$250	4-Mar-2013	1-Jul-2013	0.33	\$4	n/a	\$4

Notes for DELAYED costs

Estimated cost to submit the deviation report and permit compliance certification ("PCC") and implement an environmental compliance calendar to ensure timely submittals of these reports in the future. The Date Required is the date the report and certification were due. The Final Date is the date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$250

TOTAL

\$4

Screening Date 6-Aug-2013

Docket No. 2013-1463-AIR-E

PCW

Respondent Gerdau Ameristeel US Inc.

Policy Revision 3 (September 2011)

Case ID No. 47347

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN100226059

Media [Statute] Air

Enf. Coordinator Rachel Bekowies

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code §§ 122.143(4) and 122.146(2), Tex. Health & Safety Code § 382.085(b), and FOP No. O1281, GTC and STC No. 14

Violation Description

Failed to submit the PCC no later than 30 days after the end of the certification period. Specifically, the PCC for the February 3, 2012 through February 2, 2013 certification period was due by March 4, 2013, but was not submitted until May 28, 2013.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Major	Harm	Moderate	Minor
Actual				
Potential				

Percent 0.0%

>> Programmatic Matrix

	Moderate	Minor
	x	

Percent 15.0%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 1

119 Number of violation days

mark only one
with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$3,750

One single event is recommended.

Good Faith Efforts to Comply

25.0% Reduction

\$937

Extraordinary

Before NOV NOV to EDPRP/Settlement Offer

Ordinary

N/A

Notes

The Respondent completed corrective actions by July 1, 2013, prior to the July 25, 2013 NOE.

Violation Subtotal \$2,813

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$3,076

This violation Final Assessed Penalty (adjusted for limits) \$3,076

Economic Benefit Worksheet

Respondent Gerdau Ameristeel US Inc.
Case ID No. 47347
Reg. Ent. Reference No. RN100226059
Media Air
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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No commas or \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

See economic benefit for Violation No. 2.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$0

TOTAL

\$0



Compliance History Report

PUBLISHED Compliance History Report for CN602744187, RN100226059, Rating Year 2012 which includes Compliance History (CH) components from September 1, 2007, through August 31, 2012.

Customer, Respondent, or Owner/Operator:	CN602744187, Gerdau Ameristeel US Inc.	Classification:	SATISFACTORY	Rating:	0.33
Regulated Entity:	RN100226059, GERDAU AMERISTEEL BEAUMONT	Classification:	SATISFACTORY	Rating:	0.43
Complexity Points:	21	Repeat Violator:	NO		
CH Group:	14 - Other				
Location:	100 OLD HIGHWAY 90 WEST VIDOR, TEXAS 77662-4830, ORANGE COUNTY				
TCEQ Region:	REGION 10 - BEAUMONT				

ID Number(s):

AIR OPERATING PERMITS ACCOUNT NUMBER OC0011S

AIR OPERATING PERMITS PERMIT 1281

AIR OPERATING PERMITS PERMIT 1281

POLLUTION PREVENTION PLANNING ID NUMBER P00473

WASTEWATER PERMIT WQ0001971000

WASTEWATER EPA ID TX0067695

AIR NEW SOURCE PERMITS AFS NUM 4836100016

AIR NEW SOURCE PERMITS PERMIT 2448

AIR NEW SOURCE PERMITS PERMIT 3726

AIR NEW SOURCE PERMITS ACCOUNT NUMBER OC0011S

AIR NEW SOURCE PERMITS REGISTRATION 52162

AIR NEW SOURCE PERMITS REGISTRATION 54413

AIR NEW SOURCE PERMITS REGISTRATION 56165

AIR NEW SOURCE PERMITS REGISTRATION 82427

AIR NEW SOURCE PERMITS REGISTRATION 82455

AIR NEW SOURCE PERMITS REGISTRATION 102645

AIR NEW SOURCE PERMITS REGISTRATION 109724

AIR NEW SOURCE PERMITS REGISTRATION 112031

AIR NEW SOURCE PERMITS REGISTRATION 112032

PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 1810050

IHW CORRECTIVE ACTION SOLID WASTE REGISTRATION # (SWR) 31237

PETROLEUM STORAGE TANK REGISTRATION REGISTRATION 35485

AIR EMISSIONS INVENTORY ACCOUNT NUMBER OC0011S

INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE REGISTRATION # (SWR) 31237

INDUSTRIAL AND HAZARDOUS WASTE EPA ID TXD990796351

Compliance History Period:	September 01, 2007 to August 31, 2012	Rating Year:	2012	Rating Date:	09/01/2012
Date Compliance History Report Prepared:	July 30, 2013				
Agency Decision Requiring Compliance History:	Enforcement				
Component Period Selected:	July 30, 2008 to July 30, 2013				

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.

Name: Rachel Bekowies

Phone: (512) 239-2608

Site and Owner/Operator History:

- 1) Has the site been in existence and/or operation for the full five year compliance period? YES
- 2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO
- 3) If YES for #2, who is the current owner/operator? N/A
- 4) If YES for #2, who was/were the prior owner(s)/operator(s)? N/A
- 5) If YES, when did the change(s) in owner or operator occur? N/A

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:

N/A

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

D. The approval dates of investigations (CCEDS Inv. Track. No.):

Item 1	August 11, 2008	(713765)
Item 2	August 25, 2008	(713764)
Item 3	August 26, 2008	(700286)
Item 4	October 01, 2008	(729782)
Item 5	December 01, 2008	(729783)
Item 6	December 29, 2008	(729785)
Item 7	February 23, 2009	(752997)
Item 8	March 23, 2009	(752998)
Item 9	May 22, 2009	(811498)
Item 10	June 23, 2009	(811499)
Item 11	August 20, 2009	(811500)
Item 12	September 02, 2009	(811502)
Item 13	September 22, 2009	(811501)
Item 14	October 01, 2009	(764953)
Item 15	November 23, 2009	(811503)
Item 16	December 21, 2009	(811504)
Item 17	January 22, 2010	(811505)
Item 18	February 19, 2010	(811497)
Item 19	March 23, 2010	(833237)
Item 20	April 23, 2010	(833238)
Item 21	May 24, 2010	(833239)
Item 22	June 23, 2010	(847005)
Item 23	July 22, 2010	(861489)
Item 24	July 31, 2010	(830245)
Item 25	September 22, 2010	(874731)
Item 26	October 22, 2010	(882319)
Item 27	December 17, 2010	(897131)
Item 28	February 17, 2011	(909913)
Item 29	March 24, 2011	(917154)
Item 30	April 18, 2011	(927515)
Item 31	May 26, 2011	(938848)
Item 32	June 23, 2011	(946222)
Item 33	September 22, 2011	(966174)
Item 34	October 14, 2011	(972196)
Item 35	November 21, 2011	(978355)
Item 36	December 27, 2011	(985157)
Item 37	January 23, 2012	(991434)
Item 38	February 24, 2012	(998791)
Item 39	March 22, 2012	(1004317)
Item 40	April 23, 2012	(1010879)
Item 41	May 22, 2012	(1017252)
Item 42	June 25, 2012	(1025038)
Item 43	July 23, 2012	(1032390)
Item 44	August 03, 2012	(1021422)
Item 45	August 24, 2012	(1038812)
Item 46	August 28, 2012	(1023535)
Item 47	September 24, 2012	(1047704)
Item 48	October 25, 2012	(1065304)
Item 49	November 26, 2012	(1065305)
Item 50	December 27, 2012	(1065306)
Item 51	January 25, 2013	(1080795)
Item 52	February 22, 2013	(1058533)
Item 53	February 27, 2013	(1080794)

Item 54	March 25, 2013	(1090173)
Item 55	April 19, 2013	(1096551)

E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

1	Date:	06/27/2013	(1100338)	CN602744187
	Self Report?	NO		Classification: Moderate
	Citation:	EL&MR, No. 1, Pg. 2 PERMIT		
	Description:	Failure by Gerdau Ameristeel to record flow from Outfall 001 on a continuous basis.		
	Self Report?	NO		Classification: Moderate
	Citation:	D&SPC, No. 3(A), Pg. 4 PERMIT		
	Description:	Failure by Gerdau Ameristeel to collect a composite sample made up of a minimum of three effluent portions collected in a continuous 24-hour period combined in volumes proportional to flow.		
2	Date:	07/25/2013	(1078736)	CN602744187
	Self Report?	NO		Classification: Moderate
	Citation:	30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) FOP O-1281 CAMS limit PERMIT FOP O-1281 ST&C PERMIT		
	Description:	Failure to comply with 2007 CAM limit on the number of bags replaced in a 24 hour period.		
	Self Report?	NO		Classification: Moderate
	Citation:	30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) FOP O-1281 CAMS PERMIT FOP O-1281 ST&C 7 PERMIT		
	Description:	Failure to conduct a monthly baghouse opacity evaluation for January 2011, February 2012 - July 2012.		
	Self Report?	NO		Classification: Moderate
	Citation:	30 TAC Chapter 116, SubChapter B 116.115(b) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) FOP O-1281 SC 10 PERMIT NSR Permit 2448 SC 21C PERMIT		
	Description:	Failure to accurately record pressure of LRF Baghouse daily.		
	Self Report?	NO		Classification: Moderate
	Citation:	30 TAC Chapter 116, SubChapter B 116.115(b) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) FOP O-1281 SC 10 PERMIT NSR 2448 SC 22 PERMIT		
	Description:	Failure to report the monitoring equipment malfunction to the TCEQ.		
	Self Report?	NO		Classification: Moderate
	Citation:	30 TAC Chapter 116, SubChapter B 116.115(b) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) FOP O-1281 1A PERMIT FOP O-1281 SC 10 OP NSR 2448 SC 2 PERMIT		
	Description:	Failure to submit a semiannual report required by 40 CFR Part 63 YYYYY.		

F. Environmental audits:

N/A

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
GERDAU AMERISTEEL US INC.
RN100226059**

**§ BEFORE THE
§
§ TEXAS COMMISSION ON
§
§ ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2013-1463-AIR-E

I. JURISDICTION AND STIPULATIONS

On _____, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Gerdau Ameristeel US Inc. ("Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates a steel plant at 100 Old Highway 90 West in Vidor, Orange County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Executive Director and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about July 30, 2013.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Twelve Thousand Three Hundred One Dollars (\$12,301) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Four Thousand Nine Hundred Twenty-One Dollars (\$4,921) of the administrative penalty and Two Thousand Four

Hundred Sixty Dollars (\$2,460) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty. Four Thousand Nine Hundred Twenty Dollars (\$4,920) shall be conditionally offset by the Respondent's completion of a Supplemental Environmental Project ("SEP").

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a).
9. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Plant:
 - a. On October 18, 2012, began monitoring the differential pressure across Baghouse 2A (Emissions Point Number ("EPN") 2A) at least four times per hour;
 - b. On May 23, 2013, submitted the deviation report for the reporting period from August 3, 2012 through February 2, 2013;
 - c. On May 28, 2013, submitted the permit compliance certification ("PCC") for the certification period from February 3, 2012 through February 2, 2013; and
 - d. By July 1, 2013, implemented an environmental compliance calendar to ensure that deviation reports and PCCs are submitted in a timely manner.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Plant, the Respondent is alleged to have:

1. Failed to monitor the differential pressure across Baghouse 2A (EPN 2A) at least four times per hour for the period of May 31, 2012 through October 18, 2012, in violation of

- 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), New Source Review Permit No. 2448, Special Conditions No. 21B, and Federal Operating Permit ("FOP") No. 01281, Special Terms and Conditions ("STC") No. 9, as documented during an investigation conducted on May 28, 2013.
2. Failed to submit a deviation report no later than 30 days after the end of the reporting period, in violation of 30 TEX. ADMIN. CODE §§ 122.143(4) and 122.145(2)(C), TEX. HEALTH & SAFETY CODE § 382.085(b), and FOP No. 01281, General Terms and Conditions ("GTC"), as documented during an investigation conducted on May 28, 2013. Specifically, the deviation report for the August 3, 2012 through February 2, 2013 reporting period was due by March 4, 2013, but was not submitted until May 23, 2013.
 3. Failed to submit the PCC no later than 30 days after the end of the certification period, in violation of 30 TEX. ADMIN. CODE §§ 122.143(4) and 122.146(2), TEX. HEALTH & SAFETY CODE § 382.085(b), and FOP No. 01281, GTC and STC No. 14, as documented during an investigation conducted on May 28, 2013. Specifically, the PCC for the February 3, 2012 through February 2, 2013 certification period was due by March 4, 2013, but was not submitted until May 28, 2013.

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: GerdaU Ameristeel US Inc., Docket No. 2013-1463-AIR-E" to:

Financial Administration Division, Revenue Operations Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

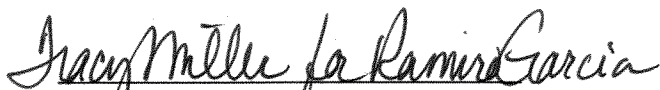
2. The Respondent shall implement and complete a SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section I, Paragraph 6 above, Four Thousand Nine Hundred Twenty Dollars (\$4,920) of the assessed administrative penalty shall be offset with the condition that the SEP defined in Attachment A, incorporated herein by reference, is implemented by the Respondent. The Respondent's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.

3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission


For the Executive Director

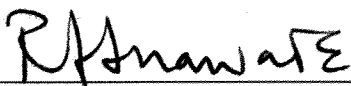
1.9.14
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.


Signature

Nov 04, 2013
Date

RICARDO ANAWATE
Name (Printed or typed)
Authorized Representative of
Gerdau Ameristeel US Inc.

Ricardo Anawate
Vice President/General Mgr.
Gerdau
Beaumont Mill
Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Section IV, Paragraph 1 of this Agreed Order.

Attachment A
Docket Number: 2013-1463-AIR-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Gerdaus Ameristeel US Inc.
Penalty Amount:	Nine Thousand Eight Hundred Forty-One Dollars (\$9,841)
SEP Amount:	Four Thousand Nine Hundred Twenty Dollars (\$4,920)
Type of SEP:	Contribution to a Third-Party Pre-Approved SEP
Third-Party Administrator:	Southeast Texas Regional Planning Commission - West Port Arthur Home Energy Efficiency Program
Location of SEP:	Texas Air Quality Control Region 106 - Southern Louisiana - Southeast Texas

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative penalty amount assessed in this Agreed Order for Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

a. Project

Respondent shall contribute the SEP amount to the Third-Party Administrator named above. The contribution will be to the Southeast Texas Regional Planning Commission to be used for the West Port Arthur Home Energy Efficiency Program as set forth in the agreement between the Third-Party Administrator and the TCEQ. Specifically, the Performing Party shall use SEP funds to assist low-income residents in the West Port Arthur area by: 1) conducting home energy audits; 2) weatherizing homes to improve energy efficiency; and/or 3) repairing or replacing heating/cooling systems and major appliances with new, energy-efficient equipment. Weatherizing homes may include costs of caulking openings as well as insulating walls, floors, and attics in homes. Any heating/cooling systems or major appliances that are replaced must be scrapped and must not be reused in any way. The Performing Party shall use consistent and reliable criteria for determining the low-income status of residents assisted with SEP funds.

Gerdau Ameristeel US Inc.
Agreed Order - Attachment A

Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

b. Environmental Benefit

Implementation of this project will reduce residential fuel and electricity usage for heating and cooling. These reductions, in turn, will reduce emissions of particulate matter, volatile organic carbon compounds, and nitrogen oxides associated with the combustion of fuel and generation of electricity.

c. Minimum Expenditure

Respondent shall contribute at least the SEP amount to the Third-Party Administrator and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, Respondent must contribute the SEP amount to the Third-Party Administrator. Respondent shall mail the contribution, with a copy of the Agreed Order to:

Southeast Texas Regional Planning Commission
Bob Dickinson, Director Transportation and Environmental
Resources
Attention: SEP
2210 Eastex Freeway
Beaumont, Texas 77703

3. Records and Reporting

Concurrent with the payment of the SEP amount, Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP amount to the Third-Party Administrator. Respondent shall mail a copy of the check and transmittal letter to:

Enforcement Division
Attention: SEP Coordinator, MC 219
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP amount.

The check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

Office of Legal Services
Attention: SEP Coordinator, MC 175
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

Respondent shall also mail a copy of the check to the Enforcement Division SEP Coordinator at the address in Section 3 above.

5. Publicity

Any public statements concerning this SEP made by or on behalf of Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

6. Clean Texas Program

Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP identified in this Agreed Order has not been, and shall not be, included as an SEP for Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.